



NEWS RELEASE

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(Wednesday)

56 Negro residents of Plainfield, New Jersey today filed a one million dollar damage suit against Governor Hughes and other state officials as a result of mass searches of Negro homes in Plainfield following recent disorders there.

The suit, filed under the auspices of the American Civil Liberties Union, the Plainfield branch of the NAACP and the American Jewish Congress, on behalf of all Negro residents of Plainfield, also seeks an injunction against further "illegal searches" of Negro homes there.

The individual plaintiffs seeking money damages from Hughes, Colonel David B. Kelley of the State Police, Chief of Staff James F. Cantwell of the National Guard and Plainfield Police Chief Milford Payne, include 63 Negro families whose homes were searched without warrants during a mass search on July 19, one woman whose home was searched on July 25, and two families whose homes were searched without warrants on July 17.

The complaint, filed in Federal District Court in Newark, seeks \$15,000 for each of the plaintiffs involved in the July 19 search, and \$100.00 for Mrs. James Jackson, whose apartment was searched on July 25.

AMERICAN CIVIL LIBERTIES UNION OF NEW JERSEY / 45 ACADEMY ST. / NEWARK, N. J. 07102 / 201-642-2084

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The complaint alleges that State Troopers and Plainfield police invaded Mrs. Jackson's home under authority of an invalid warrant on July 25 while she was in bed recuperating from childbirth, barged into her bedroom while she was only partially clad, refused her permission to put her clothes on and caused severe emotional distress to her and her three-week old daughter.

The complaint states that the July 19 raids were part of a search for 46 stolen rifles, that those rifles have not been located and that searches in the Negro community of Plainfield are continuing. The plaintiffs ask for a federal court injunction to bar the searching of the Negroes' homes without warrants issued on probable cause to believe that specific stolen items are located in a particular place.

The Civil Liberties Union said the suit will challenge the right of the Governor and his subordinates ever to suspend the guarantees of the Fourth Amendment of the United States Constitution as well as the necessity for these particular searches and the manner in which they were carried out.

The Fourth Amendment to the United States Constitution protects citizens homes "against unreasonable searches and seizures" and provides that "no warrants shall issue but upon probable cause...particularly describing the place to be searched and the things to be seized".

The ACLU contends that both the warrantless searches of July 17th, 19th and the subsequent searches with warrants are unconstitutional invasions of the plaintiffs' rights.

"While there are a limited number of emergency situations in which searches without warrants are permitted," the ACLU contends, "they all involve situations where there is not time to secure a valid search warrant". In this instance, there was two days of discussions among the Governor and his aides before the search of July 19 was launched, and if there was valid grounds for a search, they were required to secure advance judicial approval in the nature of a warrant.

"Furthermore, we can think of no situation which would justify the mass searches which were carried out on July 19. Police just can't invade the homes of hundreds of innocent people in the belief that one of them might have stolen goods. This was precisely why our forefathers adopted the Fourth Amendment in the first place. It was just such mass searches by the British crown prior to the American Revolution that made our forebears wary of unlimited police searches".

The suit further contends that the searches ~~were~~ directed at and limited to the Negro section of Plainfield constituted a denial of equal protection of the laws to the plaintiffs' class. Henry di Suvero, New Jersey's ACLU Executive Director said: "It's as if police were to search the homes of every Italian family in Newark because they suspected that the Mafia had stored stolen goods in one of them".

Just this last June, the United States Supreme Court handed down a decision which said: "Public interest would hardly justify a sweeping search of an entire city conducted in the hope that /stolen/ goods might be found. A search for these goods, even with a warrant, is "reasonable" only when there is "probable cause" to believe that they will be uncovered in a particular dwelling".

The ACLU further contends that the subsequent searches with warrants were invalid because the warrants were too broad and vague and were not restricted to the search of one particular place where there was probable cause to believe contraband might be found. In the search of the Jackson's home, the warrant authorized the search of a six-family apartment building. The plaintiffs claim such a warrant is never permissible.

The ACLU also says it questions whether there was probable cause to conduct any of the individual searches. However, one of the allegations of the complaint is that the Plainfield Municipal Court has refused permission to the lawyers in the case to examine the affidavits submitted by the police officers in connection with the warrant applications. "There is no possible way for us to know whether there was probable cause for anything until we see the warrants," the ACLU spokesman said. Among other temporary relief, the suit seeks an order compelling the Plainfield court to show the lawyers the affidavits.

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865-6861 (after 6:00 P. M.)